

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Elizabeth Bakalar	Team: Team # 5	CCRB Case #: 200202262	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 04/08/2002 1:10 AM	Location of Incident: c/o Pitkin Avenue & Stone Blvd.	Precinct: 73	18 Mo. SOL 10/8/2003	EO SOL 10/8/2003	
Date/Time CV Reported Mon, 04/08/2002 1:28 AM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Mon, 04/08/2002 1:28 AM		
Complainant/Victim	Type	Home Address			
Witness(es)	Home Address				
Subject Officer(s)	Shield	TaxID	Command		
1. SGT Ischaler Grant	03725	897595	077 DET SQUAD		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. POM Craig Wagner	17876	920949	PBBN SC		
2. DT3 Jason Burrell	06680	910242	105 DET		
Officer(s)	Allegation			Investigator Recommendation	
A.SGT Ischaler Grant	Abuse: Sgt. Ischaler Grant stopped and questioned § 87(2)(b)				
B.SGT Ischaler Grant	Abuse: Sgt. Ischaler Grant frisked § 87(2)(b)				
C.SGT Ischaler Grant	Abuse: Sgt. Ischaler Grant searched § 87(2)(b)				

Synopsis

On April 8, 2002, § 87(2)(b) was stopped and frisked on the corner of Pitkin Avenue and Stone Boulevard in Brooklyn by Sgt. Ischaler Grant. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Summary of Complaint

On April 8, 2002, § 87(2)(b) filed a complaint in person at the 73rd precinct (encl. 5a-c) regarding an incident that had occurred at 1:10 a.m. that same day on the corner of Pitkin Avenue and Mother Gaston (Stone) Boulevard in Brooklyn. § 87(2)(b) stated that three unidentified “Street Crime” officers pulled up on him as he was putting his girlfriend (later identified as § 87(2)(b) in a cab. The officers called out § 87(2)(b) s name, then started to search his body for a weapon. § 87(2)(b) stated that the sergeant present (later identified as Sgt. Ischaler Grant) told the other two officers (later identified as Dt. Jason Burrell and PO Craig Wagner) that he had arrested him a couple of years ago and that he likes to carry a weapon. § 87(2)(b) told the officers he did not like how he was being treated and that he wished to “take this back to the 73 precinct.”

In a telephone conversation with the undersigned on April 9, 2002 (encl. 7a) § 87(2)(b) gave an account of the incident similar in substance to that provided in his in-person complaint and subsequent CCRB interview.

In his CCRB interview on April 11, 2002 (encl. 7b-d), § 87(2)(b) stated that on April 8, 2002 at approximately 1:10 a.m., he was helping his girlfriend, § 87(2)(b) flag down a cab on the corner of Pitkin Avenue and Stone Boulevard, a well-lit residential area in Brooklyn. § 87(2)(b) stated that he was unsure that § 87(2)(b) was § 87(2)(b) s last name and did not have her phone number or address to provide to the undersigned. An unmarked “Street Crime” vehicle pulled up, the driver (later identified as Sgt. Ischaler Grant) looked at § 87(2)(b) and then pulled directly in front of him. § 87(2)(b) stated that he does freelance media work for various television stations and has friendly relationships with various police officers in his community. He stated that from his experience in being around the law enforcement community, he knew this unmarked vehicle was from “Street Crime,” and that Sgt. Grant was a sergeant by his gold shield. Sgt. Grant turned to his two colleagues, a “detective” (later identified as Dt. Jason Burrell) and a “patrolman,” (later identified as PO Craig Wagner) whom he also identified by their different shields, and stated that § 87(2)(b) “liked to carry a weapon.” Sgt. Grant added that he had “collared” § 87(2)(b) a couple of years ago. § 87(2)(b) stated that he was not carrying a weapon, he was simply trying to put his girlfriend in a cab, and he was “not in the mood for any of [the sergeant’s] bullshit.”

Sgt. Grant then instructed Dt. Burrell and PO Wagner to get out and search § 87(2)(b) Sgt. Grant and Dt. Burrell exited the car and Dt. Burrell unzipped § 87(2)(b) s coat and began to frisk and search him, looking for a weapon. Dt Burrell and PO Wagner held § 87(2)(b) s hands and looked inside and outside his pockets while Sgt. Grant remained in the driver’s seat of the vehicle. § 87(2)(b) was wearing a pair of black sweatpants and a blue coat. § 87(2)(b) kept insisting he did not have a weapon on him, and the search went on for about 10 minutes. Dt. Burrell was “being kind of nice” about it, stating that he didn’t mean anything by it and if he didn’t have anything on him he didn’t have anything to worry about, and nothing would happen to him. § 87(2)(b) stated he was carrying only a 4 x 4 inch square radio battery that he uses for work. § 87(2)(b) stated that although he recognized Sgt. Grant from a previous “confrontation,” the arrest—which did not involve § 87(2)(b) s carrying a weapon—took place approximately five years ago § 87(2)(b) does not know the specific date of the arrest). The charges were dismissed, and § 87(2)(b) did not know Sgt. Grant’s name [§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

]. Dt.

Burrell and PO Wagner asked Sgt. Grant § 87(2)(b)'s name and Sgt. Grant kept telling them what it was.

§ 87(2)(b) told Sgt. Grant, "If you want to do this we can take this back to the 73." Sgt. Grant said, "I'm sure you've got a gun somewhere around here," and said he did not have a problem with § 87(2)(b) "taking it back to the 73." § 87(2)(b) said Sgt. Grant was "busting [his] chops" and § 87(2)(b) told him to "go screw himself." § 87(2)(b) walked away, put § 87(2)(b) in a cab, and then went in person to the 73rd precinct to file a complaint. § 87(2)(b) was the only person to witness the incident, except for two marked police vehicles—a patrol car and a scooter—which observed the activity and then proceeded on. None of the officers inside exited their vehicles, and § 87(2)(b) did not see patrol car numbers. Some officers from "Anti-crime" at the 73rd precinct asked him if he was alright and if he knew where to make his complaint. They also told him that the officers that had stopped him were not from the 73rd precinct, and were "Street Crime from 'another unit.'"

Results of Investigation

ATTEMPTS TO LOCATE OTHER WITNESSES

Several attempts were made to contact § 87(2)(b) the girlfriend of § 87(2)(b). § 87(2)(b) was very vague with the undersigned regarding § 87(2)(b)'s name and whereabouts, and stated during his interview that he was unsure of her last name and did not have her address or phone number. A follow-up phone call (rolling IA, encl. 14c) to § 87(2)(b) regarding this matter was greeted with hostility, and § 87(2)(b) stated in reference to the CCRB investigation, "As long as this is taking I could have gone to Ray Kelly myself." § 87(2)(b) stated that he was no longer dating § 87(2)(b) and gave her address only as § 87(2)(b). The undersigned queried Metrosearch, Coles, and Directory Assistance for a § 87(2)(b) and discovered that § 87(2)(b) is a multi-dwelling unit with many residents. There was no § 87(2)(b) listed at this address.

OFFICER STATEMENTS

PO Craig Wagner

In his CCRB interview on May 23, 2002 (encl. 8a-e) PO Craig Wagner stated that on April 8, 2002, at approximately 12:15 a.m., he was working on routine Anti-crime patrol in the confines of the 73rd precinct with Sgt. Ischaler Grant and Dt. Jason Burrell.

During his interview, PO Wagner referred to a stop and frisk report that he had prepared on this date and time for § 87(2)(b) and explained the events leading up to the Stop and Frisk. PO Wagner and his partners were on patrol in the vicinity of Pitkin Avenue and Stone Boulevard when they encountered § 87(2)(b) who is known to the department from two previous arrests. PO Wagner recognized § 87(2)(b) on sight, and he stated that Sgt. Grant is also familiar with § 87(2)(b). PO Wagner himself was present for one of these arrests—for criminal possession of a weapon, namely a Glock 8mm starter pistol—but believes that PO Michael Beale, not himself, was the arresting officer. This arrest took place a year and a half to two years ago.

Because § 87(2)(b) had been known to the department to carry a weapon in the past, PO Wagner wished to speak to him. From inside the patrol car, PO Wagner engaged § 87(2)(b) in conversation. PO Wagner's suspicions were roused by § 87(2)(b)'s "extreme nervousness" and "evasiveness" during their conversation and by the fact that he tried to walk away in the middle of it. Both Sgt. Grant and Dt. Burrell were also inside the vehicle, and § 87(2)(b) was outside with an unidentified female (later identified as § 87(2)(b)). Sgt. Grant was operating the vehicle, Dt. Burrell was in the front passenger seat, and PO Wagner was in the rear. PO Wagner asked § 87(2)(b) how he was doing, and § 87(2)(b) knew PO Wagner and his partner to be the police right away. This was demonstrated by the fact that § 87(2)(b) started using police lingo, such as "You're going to call a 10-85?" PO Wagner said "No, everything's alright § 87(2)(b) how you doing tonight? You're keeping it real out here, you're not causing any problems? You're not carrying a weapon tonight?"

§ 87(2)(b) was acting "nervous" and kept using "police vocabulary," implying that he was a police officer, "throwing names out," and threatening to "go to the 'P.C.'," meaning the Police Commissioner,

should the officers give him any problems. § 87(2)(b) began to walk away from the officers, at which point they exited the vehicle. PO Wagner initiated the stop of § 87(2)(b). He physically prevented § 87(2)(b) from walking away by standing in front of him and blocking his path. § 87(2)(b) became belligerent, and seemed nervous as his hands were shaking.

PO Wagner conducted a brief pat-down frisk of § 87(2)(b)'s clothing but did not encounter anything that roused his suspicions further. During this time his partners were talking to § 87(2)(b)'s girlfriend. PO Wagner prepared a Stop and Frisk Report to reflect the circumstances of the frisk. No search was conducted. PO Wagner could not recall if either of his partners had physical contact with § 87(2)(b). PO Wagner stated that the officers "left on good terms" with § 87(2)(b), who stated that he understood why he had been stopped. The pat-down, which took place outside of § 87(2)(b)'s pockets, lasted about 5 seconds.

After the stop was completed, PO Wagner spoke to § 87(2)(b)'s girlfriend off to the side by his vehicle. The woman expressed that she had believed that § 87(2)(b) was in fact a police officer and appeared surprised to find out that this was not the case. The entire interaction with § 87(2)(b) lasted about 2 minutes. PO Wagner stated that in his personal opinion, he did not believe that § 87(2)(b) knew that the police officers knew he was not an officer. It is PO Wagner's personal opinion in dealing with § 87(2)(b) that § 87(2)(b) actually thinks he is a police officer.

Dt. Jason Burrell

In his CCRB interview on June 17, 2002 (encl. 9a-d) Dt. Jason Burrell stated that on April 8, 2002, he was working in plain clothes, in an unmarked burgundy Caprice with PO Craig Wagner and Sgt. Ischaler Grant. The officers were on unmarked patrol within the confines of the 73rd and 75th precincts, but Dt. Burrell could not recall who was operating the vehicle. At approximately 1:00 a.m., while on routine patrol in the vicinity of Pitkin Avenue and Stone Boulevard in Brooklyn, the officers observed from across the street a man whom Dt. Burrell verbally identified as § 87(2)(b) standing on the corner with a female (later identified as § 87(2)(b)).

Sgt. Grant said, "Oh, that's § 87(2)(b) he's been known to carry a firearm and impersonate a police officer." Dt. Burrell himself had no independent knowledge of this information and no prior knowledge of § 87(2)(b) because he does not regularly work with these precincts. Apparently PO Wagner and Sgt. Grant knew § 87(2)(b) from previous firearm and impersonation arrests within the precinct. The officers stopped by the corner where § 87(2)(b) was standing and one of them—possibly Sgt. Grant—said to him, "Hey, how are you doing?" § 87(2)(b) appeared "very alarmed" and "nervous." Dt. Burrell elaborated that § 87(2)(b) appeared "shocked" and "startled," by tensing up his body and widening his eyes in a surprised manner. § 87(2)(b) said, "You guys on 63? Keep going," using a bit of police jargon for meal that not many civilians would use.

At this point, all three officers exited their vehicle. Sgt. Grant and PO Wagner said, "Oh § 87(2)(b) you still impersonating a cop?" § 87(2)(b) said, "What do you mean?," to which the officers replied, "You know." § 87(2)(b) got "very nervous," and began to grab a leather fanny-pack at his waist. Dt. Burrell and Sgt. Grant spoke to § 87(2)(b) while PO Wagner spoke to § 87(2)(b) about two or three feet away. Dt. Burrell stated that § 87(2)(b) told him and Sgt. Grant that she had believed § 87(2)(b) was a police officer. While they were talking to § 87(2)(b) Dt. Burrell heard PO Wagner say to § 87(2)(b) "Stop going in your bag" or "Stop reaching in your bag," and "You're not carrying a weapon today?" Dt. Burrell did not actually observe § 87(2)(b) reach into his bag, but heard PO Wagner make comments indicating that he had. Dt. Burrell then looked over and saw that § 87(2)(b) was "very alarmed." Dt. Burrell observed PO Wagner squeeze § 87(2)(b)'s bag and pat his sides for about two or three seconds. Dt. Burrell did not touch § 87(2)(b) himself, nor did Sgt. Grant, to Dt. Burrell's recollection.

§ 87(2)(b) started "yelling and rambling on," screaming about some chiefs he knew, and threatened to call the police commissioner and complain, although Dt. Burrell could not recall word for word what § 87(2)(b) was saying. Sgt. Grant pointed out to § 87(2)(b) that he had been known to carry a weapon and impersonate a police officer, which § 87(2)(b) did not admit to. Dt. Burrell stated that § 87(2)(b)

§ 87(2)(b) was “sort of EDP.” PO Wagner prepared a Stop and Frisk Report and the officers left. Dt. Burrell articulated that the reason the situation escalated from a stop to a frisk was that § 87(2)(b) was known to have carried a weapon and impersonate a police officer, and his becoming alarmed and reaching for his pouch led the officers to believe that he might be reaching for a weapon.

Sgt. Ischaler Grant

In his CCRB interview on June 18, 2002 (encl. 10a-c), Sgt. Ischaler Grant stated that on April 8, 2002, he was working on plain clothes street patrol in an unmarked blue Chevrolet Lumina with Dt. Jason Burrell and PO Craig Wagner. Sgt. Grant was operating the vehicle, and he was fairly certain that Dt. Burrell was in the front seat and that PO Wagner was seated in the rear.

At approximately 1:30 a.m., the officers were on patrol in the vicinity of Pitkin Avenue and Stone Boulevard in Brooklyn. Sgt. Grant was traveling west-bound on Pitkin Avenue and approached a red light at the corner of Pitkin Avenue and Stone Boulevard. While waiting at the light, Sgt. Grant observed a man (later identified as § 87(2)(b)) on the corner standing with a female (later identified as § 87(2)(b)). The officers were in the car talking amongst themselves, when § 87(2)(b) who was wearing a fanny-pack on his waist, called out to the officers and said, “Hey Sarg, how are you doing? That’s a nice RMP.” § 87(2)(b) initiated conversation with the officers, and Sgt. Grant specified that had § 87(2)(b) not started speaking to them they’d probably never have spoken to him. § 87(2)(b)’s use of police terminology immediately stood out to Sgt. Grant as not being fluid. § 87(2)(b) then said to Sgt. Grant, “You going 10-63 at the base?,” using police code for going to meal, and then added, “Say hi to the guys for me. I’m finishing my tour.” § 87(2)(b)’s extensive use of police terminology prompted Sgt. Grant to recognize that § 87(2)(b) was someone he arrested in 1992 for police impersonation, and Sgt. Grant stated that he has since been arrested several times for this crime.

Sgt. Grant described in detail his 1992 encounter with § 87(2)(b). Sgt. Grant had stopped in a Brooklyn store to get a bottle of water, and the store owner said to Sgt. Grant, “That’s an officer too,” indicating the same man now standing at Pitkin Avenue and Stone Boulevard, and added that he’d known him for years. Sgt. Grant began to speak to § 87(2)(b) and just from speaking to him could tell he was not a police officer. Sgt. Grant went back and asked the storeowner if he’d ever seen him with a shield or a gun. The storeowner stated that yes, § 87(2)(b) had a gun and a shield on him at that very moment. Sgt. Grant went back outside and § 87(2)(b) was wearing a fanny pack similar to that he had on him on this most recent occasion. Sgt. Grant frisked § 87(2)(b) and recovered a holster, a fake 9mm handgun, a legitimate press pass from “some obscure magazine,” a police roster book with police department phone numbers, and a security guard shield. Sgt. Grant arrested § 87(2)(b) who threatened that Sgt. Grant was going to lose his job and he didn’t know who he was messing with. Sgt. Grant stated that the district attorney did not prosecute the case because the gun was not operable, and in Brooklyn at that time people were not prosecuted for possession of imitation weapons.

At this point in the current incident, Sgt. Grant realized that § 87(2)(b) might be the same person based on his use of police terminology, and became concerned that he might be engaged in a dangerous ruse against § 87(2)(b). Sgt. Grant and his partners proceeded to pull over to the left and exited their vehicle. Sgt. Grant went straight over to § 87(2)(b) and took her aside to have a few words with her while PO Wagner and Dt. Burrell spoke to § 87(2)(b) a few paces away. Sgt. Grant stated that PO Wagner had independent knowledge of § 87(2)(b)’s history of police impersonation but that Dt. Burrell most likely did not. During his conversation with § 87(2)(b) Sgt. Grant asked her how long she knew § 87(2)(b) and she told him she’d known him for 10 months, he was her boyfriend, and that he was a police officer. Sgt. Grant asked § 87(2)(b) if she’d ever seen him with a shield and a gun, and she replied in the affirmative. Sgt. Grant called PO Wagner over and whispered to him that he believed § 87(2)(b) might again be impersonating an officer and might have a gun in his pouch.

As PO Wagner approached, § 87(2)(b) either tucked his fingers into his waistband or opened his fanny pack. PO Wagner grabbed the fanny pack and frisked him, and was the only officer to do so. In the meantime, § 87(2)(b) kept insisting to Sgt. Grant that § 87(2)(b) was a police officer, and questioned why the officers were frisking him. Sgt. Grant stated to § 87(2)(b) “Listen, I’m saying this to you for your own safety because I don’t know under what ruse this guy is using to tell you he is a police

officer, but I'm telling you right now, I'm a police officer, he is not a police officer, he's been arrested in the past before and has a history of going around telling people he's the police. I don't know the reason he's doing it with you but he's been doing this for a long time so just be careful." § 87(2)(b) thanked Sgt. Grant profusely for this information.

§ 87(2)(b) seemed to Sgt. Grant to be a "little bit of a nutcase," as he was going on about calling various police chiefs and the police commissioner, and threatened that Sgt. Grant and his partners were going to be transferred to foot posts. Sgt. Grant instructed PO Wagner to prepare a Stop and Frisk Report for § 87(2)(b) who got a pen and asked for and wrote down the officers' names and shield numbers. The incident lasted less than five minutes.

Sgt. Grant specified for the record several things about his interaction with § 87(2)(b). He stated that the encounter, *at its inception*, was not one based on suspicion of criminality, and that § 87(2)(b) had initiated conversation with the officers using police lingo. At that point, Sgt. Grant's primary concern lay with § 87(2)(b) who he wanted to make sure was not being led to believe that § 87(2)(b) was in fact a police officer. Sgt. Grant's independent knowledge of § 87(2)(b)'s history of impersonating the police, combined with his current use of police terminology, roused his suspicion that he might once again be up to impersonating an officer. The phrase, "I'm finishing up my tour," was the phrase that "nailed it" for Sgt. Grant and a "bell went off," reminding him of the § 87(2)(b) and prompting him to exit his vehicle and speak to § 87(2)(b). No contraband or weapon was recovered from § 87(2)(b) on this occasion, and he was released.

PERTINENT POLICE RECORDS

A Stop, Question and Frisk Report (encl. 13) dated April 8, 2002, was prepared by PO Craig Wagner for § 87(2)(b). The report states that § 87(2)(b) was stopped outside, on the corner of Stone Boulevard and Pitkin Avenue. The report further states that § 87(2)(b) is known to the precinct, and was suspected of criminal possession of a weapon and impersonating a police officer. § 87(2)(b)'s demeanor was noted as "nervous/belligerent" and he stated that he wanted to "take this up with the P.C.," meaning the Police Commissioner.

The 73rd precinct Stop and Frisk Index (encl. 12a-b) reflects the report cited above.

PATROL GUIDE PROCEDURE

Patrol Guide Procedure 212-11 (encl. 1a-c) delineates police procedure for conducting stops and frisks. Under the patrol guide, a stop is defined as the temporary detention of a person for questioning. A frisk is defined as a running of the hands over the clothing, feeling for a weapon, and a search is defined as the placing of hands inside pocket or other interior parts of the clothing to determine if the object felt is a weapon. The patrol guide instructs that a frisk be conducted if the officer reasonably suspects that he, she, or others are in danger of physical injury, and to search if the frisk reveals an object may be a weapon. The Patrol Guide further instructs officers to detain a suspect while conducting this investigation for a reasonable period of time and to complete a Stop, Question and Frisk Report worksheet for each person stopped.

KAMINS SEARCH AND SEIZURE

Excerpts from Kamins Search and Seizure Law (encl. 2a-b) address a decision reached in *People v. DeBour* wherein the court identified four levels of police intrusion and the degree of knowledge needed to justify each. The four levels as defined by Kamins are as follows:

1. An officer may approach a citizen to request information when there is some objective credible reason for that interference not necessarily indicative of criminality.
2. Under the common-law right to inquire, a police officer may intrude upon a person's privacy more than he can under the request for information cited above and can obtain explanatory information by means short of forcible seizure.

3. An officer can forcibly stop and detain a person where he has a reasonable suspicion that the person has committed, is committing or is about to commit a felony or misdemeanor.
4. If the officer stops and detains a person, and he entertains an independent and reasonable suspicion that he is in physical danger because the detainee is armed, the officer may frisk the detainee.

Kamins further comments on furtive behavior of suspects, noting that, “under certain circumstances, courts will find that a police officer had a reasonable suspicion based, in part, on the defendant’s furtive, evasive, strange, or suspicious behavior.”

Conclusions and Recommendations

Allegation A): Abuse of Authority: Sgt. Ischaler Grant stopped and questioned § 87(2)(b)

Allegation B): Abuse of Authority: Sgt. Ischaler Grant frisked § 87(2)(b)

Allegation C): Abuse of Authority: Sgt. Ischaler Grant searched § 87(2)(b)

Allegations A through C

There is no dispute that § 87(2)(b) was stopped and frisked by Sgt. Grant and that a Stop and Frisk Report was prepared by PO Wagner in reference to the stop. The questions under investigation are whether or not the stop and frisk was conducted by the officers in good faith and based on a genuine concern for public safety, and whether or not § 87(2)(b) was ultimately searched. § 87(2)(b) PO Wagner, Dt. Burrell, and Sgt. Grant all have slightly different accounts of the events, and the officers all give somewhat different explanations for the reasons for the stop. § 87(2)(g)

§ 87(2)(b) stated that he has friendly relationships with various police officers in his community through his freelance work for the media. He stated that Sgt. Grant told his two partners that § 87(2)(b) “liked to carry a weapon,” adding that he had “collared” § 87(2)(b) a couple of years ago. § 87(2)(b) stated that he was not carrying a weapon, he was simply trying to put his girlfriend in a cab, and he was “not in the mood for any of Sgt. Grant’s bullshit.” § 87(2)(b) stated that at this time, Sgt. Grant instructed Dt. Burrell and PO Wagner to search § 87(2)(b). Sgt. Grant and Dt. Burrell exited the car and Dt. Burrell unzipped § 87(2)(b)’s coat and began to frisk and search him, looking for a weapon. Dt. Burrell and PO Wagner held § 87(2)(b)’s hands and looked inside and outside his pockets while Sgt. Grant remained in the driver’s seat of the vehicle. § 87(2)(b) kept insisting he did not have a weapon on him, and the search went on for about 10 minutes.

PO Wagner stated that § 87(2)(b) had been known to the department to carry a weapon in the past, and PO Wagner first wished only to speak to him from inside the patrol car. PO Wagner’s suspicions were then roused by § 87(2)(b)’s “extreme nervousness” and “evasiveness” during their conversation and by the fact that he tried to walk away in the middle of it. § 87(2)(b) started using police lingo, such as “You’re going to call a 10-85,?” police jargon for back-up units. § 87(2)(b) was acting “nervous” and kept using “police vocabulary,” implying that he was a police officer, “throwing names out,” and threatening to “go to the ‘P.C.’,” meaning the Police Commissioner, should the officers give him any problems. PO Wagner stated that he initiated the stop of § 87(2)(b) and physically prevented him from walking away by standing in front of him and blocking his path. § 87(2)(b) became belligerent, and seemed nervous as his hands were shaking. PO Wagner stated that he conducted a brief pat-down frisk of § 87(2)(b)’s clothing but did not encounter anything that roused his suspicions further and did not conduct any search.

Dt. Burrell stated that upon seeing § 87(2)(b) Sgt. Grant said, “Oh, that’s § 87(2)(b) he’s been known to carry a firearm and impersonate a police officer.” Dt. Burrell stated that he himself had no independent knowledge of this information and no prior knowledge of § 87(2)(b) but that apparently PO Wagner and Sgt. Grant knew § 87(2)(b) from previous firearm and impersonation arrests within the precinct. Dt. Burrell stated that the officers stopped by the corner where § 87(2)(b) was standing and that Sgt.

